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OLC 78-1020
2 March 1978*Briefing*

MEMORANDUM FOR THE RECORD

SUBJECT: 2 March 1978 Meeting of the DDO with the House
Permanent Select Committee on Intelligence Staff

1. [] On 2 March 1978, the DDO, John McMahon, accompanied by [] SA/DO/O, and [] Office of Legislative Counsel, met in the office of Thomas K. Latimer, (H 407 The Capitol) Staff Director. Also present from the Committee were: Loch Johnson, Pat Long and Mike O'Neil, all of the Committee staff. The meeting lasted from 1620 until 1710 hours.

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2. [] The purpose of this meeting was to discuss which if any portions of the projected hearings on the mechanisms for obtaining covert action approvals (Findings, Perspectives and Memoranda of Notification). Mr. Latimer said that the Committee is planning to hold the hearings in April on the 18th or 19th. Mr. McMahon quickly registered his view that it would be inappropriate to hold these hearings in open session. Various reasons were given: (a) open hearings would provide public proof that CIA is in fact running covert action operations in foreign [] countries; (b) open hearings on CIA activities almost always generates unfavorable press, particularly in foreign countries; and (c) it is not CIA's position to reveal publically how the NSC plays its role in the approval process. The final agreement was that the hearings would be closed and that any unclassified paper which the Committee proposed to release subsequently would be coordinated with CIA prior to its release. Mr. Latimer asked to see some examples of the negative publicity which has in the past followed open hearings on CIA (with particular reference to the January hearings on CIA and the press).

3. [] Mr. Latimer expressed his concern that covert action projects might be carried under some other guise, thereby avoiding appropriate briefing of Congress. Specifically, he had paramilitary activities in mind. Mr. Latimer was told that paramilitary activities are currently being carried under [] and that Mr. McMahon himself views paramilitary activities as an item which would fall under Hughes-Ryan. Further, Mr. McMahon offered to provide Mr. Latimer with a copy of a paper which the Agency had prepared on the subject of SWAT teams for Senator Adlai E. Stevenson (D., Ill.).

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4. [] Further discussions were held on the distinction between disinformation and false information provided to a "double agent" for the purposes of misleading the opposition service. The issue turns on the purpose behind providing the information, i.e., if the purpose is to make the agent believable or to provide him with information which will improve his operational posture, this would be CI; if the purpose is to mislead the government and its people, this would be CA. It was generally agreed that this is a fine line.

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5. [] Mr. Latimer said that he believed that there should be a "sunshine law" on covert action projects and that they should be subject to periodic review and have to undergo regular re-approval processes.

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7. [] There was some discussion of a proposed one week trip to some stations during the Easter break by Representative Les Aspin (D., Wis.), Chairman, Subcommittee on Oversight. While nothing was precisely determined during the meeting, subsequent to the meeting Mr. McMahon recommended that we create a plan for a trip through some European stations with covert action infrastructures.

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Assistant Legislative Counsel

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